IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 19797 of 2004(F)

PETITIONER:

P.M.ELIYAMMA, D/O. MATHAI,
STAFF NURSE, PRIMARY HEALTH CENTRE,
MUZHAPPILANGADI, KANNUR DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY SECRETARY, DEPARTMENT OF HEALTH SERVICES, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT MEDICAL OFFICER (HEALTH),
KANNUR.

3. THE SUPERINTENDENT OF POLICE, KANNUR.

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 19797/2004 F

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE CERTIFICATE DT. 30/6/04 BY THE MEDICAL OFFICER, PRIMARY HEALTH CENTRE, MUZHAPPILANGADI.

EXT.P2. COPY OF THE SALARY CERTIFICATE DT. 16/6/04 BY THE MEDICAL OFFICER, PRIMARY HEALTH CENTRE, MUZHAPPILANGADI.

EXT.P3. COPY OF THE ORDER DT. 6/10/94 BY THE R2.

EXT.P4. COPY OF THE ORDER DT. 26/11/02 IN CRL. MP NO. 8485/2002 IN CRL. RP NO. 1536/2002 OF THIS COURT.

EXT.P5. COPY OF THE REPRESENTATION DT. NIL FILED BY THE PETITIONER BEFORE THE R2.

EXT.P6. COPY OF THE LETTER DT. 21/3/2003 BY THE R2 TO THE PETITIONER.

RESPONDENT'S EXHIBITS : NIL.

True copy

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KURIAN JOSEPH J.

W.P.(C) No.19797 of 2004

Dated 6th July, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue a writ of mandamus or other appropriate writ, order or direction directing the 2nd respondent to regularise the service of the petitioner as Staff Nurse in Health Services Department and to give to her all the consequential benefits such as increment, seniority etc."

It is stated in the counter affidavit that the petitioner cannot be regularised in service, particularly in view of the conduct leading to her conviction in a criminal case. It is the case of the petitioner that revision petition is pending before this Court against the conviction. Accordingly, the writ petition is disposed of making it clear that subject to the outcome of the revision, it will be open to the petitioner to move the first respondent.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 6th July, 2007.